

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Edlund, <i>et al.</i>	CONFIRMATION NO.:	3735
SERIAL NUMBER:	10/802,321	ART UNIT:	2167
FILING DATE:	March 17, 2004	EXAMINER:	Timblin, Robert M.
TITLE:	METHOD FOR SYNCHRONIZING DOCUMENTS FOR DISCONNECTED OPERATION		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This paper responds to the final Office Action mailed from the United States Patent and Trademark Office on July 20, 2011. A Notice of Appeal is filed concurrently herewith. Authorization is herein granted to apply any fees occasioned by this paper or credits due in this case to Deposit Account 12-2158.

Applicants hereby submit that at least one limitation of the claims is not expressly or inherently disclosed by the references cited in the Office Action mailed on July 20, 2011.

I. Summary of Invention

Applicant's invention as recited in independent claim 1 relates to a method for synchronizing a client (e.g., 100) having a client database (e.g., 18-1) with a server (e.g., 14) having a server database (e.g., 22-1) (see, for example, FIG. 1 of Applicants' drawings as filed). In pertinent part, Applicants' method comprises calculating at the server database (e.g., 22-1), for a plurality of times and a plurality of clients, a document score for each document in a plurality of documents in the server database (see, for example, paragraph [00020] of Applicants' specification as filed). Each document score designates an importance relative to other documents of a respective one of the documents to a respective one of the clients at one of the times (see, for example, paragraph [00020] of Applicants' specification as filed). Each document score is indicative of whether the document should be synchronized between the

respective client and the server database (see, for example, paragraph [00020] of Applicants' specification as filed). The method step of calculating the document score includes determining whether a relationship exists between the respective one of the documents and another of the documents in the server database (see, for example, paragraph [00020] of Applicants' specification as filed). The method further comprises initiating a synchronization task at one of the clients, for updating documents in the client database to match documents in the server database. The synchronization task specifies a threshold value that indicates the document score value for a document to be synchronized. The method further comprises sending from the identified server and server database to the client a list of server documents produced based upon a comparison of the threshold value to the document scores, sending from the client to the identified server a fetch list based upon the list of server documents, and transmitting one of the documents in the server database to the client based on the fetch list (see, for example, FIGs. 2 and 3B and paragraphs [00025], [00026] of Applicants' specification as filed).

II. Issues

Whether claims 1-4, 7-11, 12, 13, 15, 16, 18, and 19 are improperly rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication No. 2003/0162555 to Loveland in view of US Patent No. 7,092,977 to Leung et al. (hereinafter "Leung") and further in view of U.S. Patent Publication No. 2003/0172113 to Cameron et al. (hereinafter "Cameron"), and whether claim 14 is improperly rejected under 35 U.S.C. §103(a) as being unpatentable over Loveland, Leung, Cameron, and further in view of U.S. Patent Publication No. 2005/0065856 to Roberts.

III. Arguments

With regard to the rejection of claim 1 under 35 U.S.C. 103(a) based on Loveland, Leung, and Cameron, Applicants submit that the combination of Loveland, Leung, and Cameron does not expressly or inherently disclose (1) determining whether a relationship exists between the respective one of the documents and another of the documents in the server database, as recited in independent claim 1.

The Office Action at page 8 asserts that the primary reference, Loveland at paragraphs [0013], [0015], [0042], and [0044] teaches an existing relationship between documents. Applicants respectfully disagree for at least the reason cited in the Amendment and Response to Office Action filed May 9, 2011, reproduced as follows:

Loveland at paragraph [0044] teaches emails being of varying importance. For example, an email that contains the words “coin” or “penny” may be of higher value to a penny collector than emails that do not contain these words. However, Loveland does not calculate a document score by determining whether a relationship exists between emails. In Loveland’s example, there is no relationship between the email containing the words “coin” or “penny” and other emails. Thus, a calculated score is not influenced (increased or decreased) based on the importance of other documents to the document being scored. For purposes of further clarifying this distinction, Applicants refer to paragraph [0020] of Applicants’ specification.

The Office Action refers to Loveland at paragraph [0013], [0015], and [0042] as taking into consideration the value of documents in determining whether a data item ought to be synchronized. However, Loveland at paragraph [0013] states that the determination is made in response to a user-made instruction, or in response to a message from another device indicating that the data item ought to be synchronized, or by consulting a flexible set of rules. There is no mention of calculating the value as a document score by the determination made in paragraph [0013]. In Loveland, a relationship, if any, between a document containing the data item and the message from the other device has no bearing on the generation of a document score.

Loveland at paragraph [0015] states that the flexible selection rules takes into consideration the value of the data. Regardless of whether this is true, the data value is not calculated by determining whether a relationship exists between a document of a client and a document in a server database, as claimed.

Loveland at paragraph [0044] states that the value of data is determined by user preferences and/or a network administrator. A cited example includes a user viewing spam emails being less important to synchronize, and that emails from particular senders (clients, bosses, etc.) may be of greater value to the user than spam emails. There is no mention of determining whether a relationship exists between such spam emails and the emails from the senders in order to calculate a document score, as recited in independent claim 1. In Loveland,

the spam emails and the emails from the senders are two independent examples, each having a different value of importance to the user. In particular, spam email in and of itself has a threshold value, which is not determined by a comparison, or any other relationship, with respect to other email messages.

Even if there is a relationship in the emails of paragraph [0044], the relationship is not determined to calculate a document score. The Office Action refers to Loveland at paragraph [0015] as disclosing a document score. Loveland at paragraph [0015] refers to flexible selection rules taking into consideration the value of the data, with no mention of calculating a document score.

Leung and Cameron likewise fail to teach or suggest (1) determining whether a relationship exists between the respective one of the documents and another of the documents in the server database, as recited in independent claim 1. Thus, none of Loveland, Leung and Cameron teaches or suggests (1) determining whether a relationship exists between the respective one of the documents and another of the documents in the server database, as recited in independent claim 1.

Applicants further submit that the combination of Loveland, Leung, and Cameron does not expressly or inherently disclose (2) sending from the client to the identified server a fetch list based upon the list of server documents, and transmitting one of the documents in the server database to the client based on the fetch list, as claimed in independent claim 1.

The Office Action at page 5 acknowledges that Loveland and Leung do not teach or suggest this limitation. However, the Office Action relies on Cameron to teach this limitation. In particular, the Office Action cites Cameron at paragraphs [0052], [0056] as teaching a fetch list that is sent from a client to an identified server. To the contrary, Cameron at paragraph [0052], lines 6-7 teaches that, during synchronization between a server 102 and a small device 106, the server 102 sends a list of synchronizable documents to the small device 106. There is no teaching or suggestion in Cameron of the small device 106 sending a fetch list to the server 102.

In view of the above, Applicants submit that claim 1 is patentable over the combination of Loveland, Leung, and Cameron, and respectfully requests withdrawal of this rejection.

Independent claim 16 recites language similar to that of claim 1, and is therefore

allowable for at least the reasons referred to above with regard to claim 1.

Dependent claims 2-4, 7-13, 15, 18, and 19 depend from allowable independent claims 1 and 16, respectively, and incorporate all of their respective limitations. Therefore, Applicants submit that dependent claims 2-4, 7-13, 15, 18, and 19 are allowable for the reason that they are dependent from allowable independent claims 1 and 16 and for those reasons presented in connection with independent claims 1 and 16.

With regard to the rejection of claim 14 under 35 U.S.C. 103(a) based on Loveland, Leung, Cameron, and Roberts, the Office Action relies on Roberts to show the additional limitations recited in claim 14. Applicants submit that Roberts does not teach or suggest the limitations of claim 1 described above as missing from the other cited references. Thus Applicants submit that dependent claim 14 is allowable over the cited references for at least those reasons set forth above with respect to claim 1 and Applicants respectfully request withdrawal of the rejection of these dependent claims.

IV. Conclusion

In view of the foregoing remarks, Applicant submits that the rejection of independent claim 1 and 16 and the dependent claims thereon is improper. Applicant submits that the application is in condition for allowance, and respectfully requests withdrawal of the rejection of the claims.

Respectfully submitted,

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